

Senate File 221

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1 3 AN ACT
1 4 RELATING TO THE CRIMINAL OFFENSE OF SEXUAL EXPLOITATION OF
1 5 A MINOR.

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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 8
1 9 Section 1. Section 728.12, subsections 1 and 2, Code 2003,
1 10 are amended to read as follows:

1 11 1. It shall be unlawful to employ, use, persuade, induce,
1 12 entice, coerce, solicit, knowingly permit, or otherwise cause
1 13 or attempt to cause a minor to engage in a prohibited sexual
1 14 act or in the simulation of a prohibited sexual act. A person
1 15 must know, or have reason to know, or intend that the act or
1 16 simulated act may be photographed, filmed, or otherwise
1 17 preserved in a negative, slide, book, magazine, computer,
1 18 computer disk, or other print or visual medium, or be
1 19 preserved in an electronic, magnetic, or optical storage
1 20 system, or in any other type of storage system. A person who
1 21 commits a violation of this subsection commits a class "C"
1 22 felony. Notwithstanding section 902.9, the court may assess a
1 23 fine of not more than fifty thousand dollars for each offense
1 24 under this subsection in addition to imposing any other
1 25 authorized sentence.

1 26 2. It shall be unlawful to knowingly promote any material
1 27 visually depicting a live performance of a minor ~~or what~~
1 28 ~~appears to be a minor~~ engaging in a prohibited sexual act or
1 29 in the simulation of a prohibited sexual act. A person who
1 30 commits a violation of this subsection commits a class "D"
1 31 felony. Notwithstanding section 902.9, the court may assess a
1 32 fine of not more than twenty-five thousand dollars for each
1 33 offense under this subsection in addition to imposing any
1 34 other authorized sentence.

1 35 Sec. 2. Section 728.12, subsection 3, unnumbered paragraph
2 1 1, Code 2003, is amended to read as follows:

2 2 It shall be unlawful to knowingly purchase or possess a
2 3 negative, slide, book, magazine, computer, computer disk, or
2 4 other print or visual medium, or an electronic, magnetic, or
2 5 optical storage system, or any other type of storage system
2 6 which depicts a minor ~~or what appears to be a minor~~ engaging
2 7 in a prohibited sexual act or the simulation of a prohibited
2 8 sexual act. A person who commits a violation of this
2 9 subsection commits an aggravated misdemeanor for a first
2 10 offense and a class "D" felony for a second or subsequent
2 11 offense. For purposes of this subsection, an offense is
2 12 considered a second or subsequent offense if, prior to the
2 13 person's having been convicted under this subsection, any of
2 14 the following apply:

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2 18 _____
2 19 MARY E. KRAMER
2 20 President of the Senate

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2 23 _____
2 24 CHRISTOPHER C. RANTS
2 25 Speaker of the House

2 26 I hereby certify that this bill originated in the Senate and
2 27 is known as Senate File 221, Eightieth General Assembly.

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2 31 _____
2 32 MICHAEL E. MARSHALL
2 33 Secretary of the Senate

2 34 Approved _____, 2003

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3 2 _____
3 3 THOMAS J. VILSACK
3 3 Governor